IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 11341 of 2007(A)

OA.28/2007 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER:

DR.JOHNY, AGED 67, S/O.M.C.CHAKKAPAN,
MEDICAL PRACTITIONER, MANJALY HOUSE, PUTHUKAD,
THORAVA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT- PIN- 680 301.

BY ADV. SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY

RESPONDENTS:
----

1. **SOUTH INDIA BANK LIMITED, SIB HOUSE,**
   T.B.ROAD, THRISSUR DISTRICT, PIN-680 001,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. **BRANCH MANAGER, SOUTH INDIAN BANK**
   LIMITED, 1ST FLOOR, PUBLIC FUND LTD.,
   GOLDEN JUBILEE BUILDING, MAIN ROAD, PUTHUKAD,
   THRISSUR DISTRICT PIN- 680 301.

3. **CHIEF MANAGER/AUTHORISED OFFICER,**
   SOUTH INDIA BANK LIMITED, REGIONAL OFFICE,
   SIB BUILDING, ROUND SOUTH, THRISSUR DISTRICT
   PN 680 001.

4. **DEBTS RECOVERY TRIBUNAL,**
   KERALA & LAKSHADEEP, HOUSING BOARD BUILDINGS,
   PANAMPILLY NAGAR, ERNAKULAM, PIN - 682 036.

BY ADV. SRI. K. PRABHAKARAN, SC, S I B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11341 OF 2007-A

JUDGMENT

The petitioner challenges the commissions and omissions of the 1st respondent Bank in proceeding against his property, which is stated to be an agricultural property, exempted from attachment and sale under Section 31 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. But, the 1st respondent, which is a private Bank, is not amenable to the writ jurisdiction of this Court. Accordingly, the Writ Petition is closed without prejudice to the contentions of the petitioner and his right to move the D.R.T under Section 17(1), for appropriate reliefs.

2nd April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/